

Notice of Allowability	Application No.	Applicant(s)	
	09/816,491	HOFFMAN ET AL.	
	Examiner	Art Unit	
	F. Ryan Zeender	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 5/16/2005.
2. ☒ The allowed claim(s) is/are 19-60.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, page 264, line 27, "d2900 (see Figure d29)" was changed to --12900 (see Figure 129)--.

In claim 19, line 18, "items" was changed to --at least one item--.

In claim 19, line 20, "master contracts" was changed to --supplier and distributor master contracts--.

In claim 19, line 28, "the goods" was changed to --goods--.

In claim 19, line 40, "the item" was changed to --the one item--.

In claim 19, line 53, "master contracts" was changed to --the supplier and distributor master contracts--.

In claim 27, line 4, "master contracts" was changed to --the supplier and distributor master contracts--.

In claim 29, line 4, "master contracts" was changed to --the supplier and distributor master contracts--.

In claim 59, line 21, "items" was changed to --at least one item--.

In claim 59, line 24, "master contracts" was changed to --supplier and distributor master contracts--.

In claim 59, line 32, "the goods" was changed to --goods--.

In claim 59, line 44, "the item" was changed to --the one item--.

In claim 59, last line, "master contracts" was changed to --the supplier and distributor master contracts--.

In claim 60, line 24, "items" was changed to --at least one item--.

In claim 60, line 32, "the goods" was changed to --goods--.

In claim 60, line 44, "the item" was changed to --the one item--.

In claim 60, last line, "master contracts" was changed to --supplier and distributor master contracts--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, Duffy et al., US2003/0212610A1 teach a means of handling contracts in a supply chain management framework including: supply chain management using a network interface; receiving data from supply chain participants; generating orders; and selecting, transmitting, and enforcing contract templates and template terms.

Duffy et al. lack the specific teaching of an independent supply chain manager negotiating master contracts on behalf of independent stores and/or independent distributors; the independent supply chain manager negotiating a mark-up on the

Art Unit: 3627

item(s) to be distributed to the independent stores; receiving store sales data whereby the sale of goods are independent of the network; electronically translating the sales data of goods to items that are components of the goods based on a formula or recipe; electronically determining an actual landed cost for one of the items and electronically determining if the landed cost complies with the negotiated mark-up in the master contract and generating an alert if there is non-compliance; electronically determining if the price for one item matches the contract price and generating an alert if there is no match.

The prior art, Gourley, WO00/51038 teach a distribution management and inventory control system whereby data is received from a plurality of facilities and consolidated for all the facilities to aid in production planning.

Gourley lacks the teaching of an independent supply chain manager negotiating master contracts on behalf of independent stores and/or independent distributors; the independent supply chain manager negotiating a mark-up on the item(s) to be distributed to the independent stores; receiving store sales data whereby the sale of goods are independent of the network; electronically translating the sales data of goods to items that are components of the goods based on a formula or recipe; electronically determining an actual landed cost for one of the items and electronically determining if the landed cost complies with the negotiated mark-up in the master contract and generating an alert if there is non-compliance; electronically determining if the price for one item matches the contract price and generating an alert if there is no match.

The prior art, PR Newswire, "AGILE, ANDERSEN CONSULTING ANNOUNCE STRATEGIC ALLIANCE", Sept. 6, 2000, teaches the use of an independent supply chain manager utilizing a software package for enabling seamless collaboration between supply chain members.

The PR Newswire article lacks the teaching of an independent supply chain manager negotiating master contracts on behalf of independent stores and/or independent distributors; the independent supply chain manager negotiating a mark-up on the item(s) to be distributed to the independent stores; receiving store sales data whereby the sale of goods are independent of the network; electronically translating the sales data of goods to items that are components of the goods based on a formula or recipe; electronically determining an actual landed cost for one of the items and electronically determining if the landed cost complies with the negotiated mark-up in the master contract and generating an alert if there is non-compliance; electronically determining if the price for one item matches the contract price and generating an alert if there is no match.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application for patent, are novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3627

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
11/25/2005
Primary Examiner, A.U. 3627

 11/25/05
F. RYAN ZEENDER
PRIMARY EXAMINER